

PROB 12B
(12/98)FILED
JAMES RONALD
CLERK

United States District Court

for

04 DEC 16 AM ID: 00

District of Southern Ohio

U.S. DISTRICT COURT
SOUTHERN OHIO
BENEDICT C. CANNON JR.**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Julian M Payne

Case Number: 1:01CR00079

Name of Sentencing Judicial Officer: The Honorable Sandra S. Beckwith
Chief United States District Judge

Date of Original Sentence: March 11, 2002

Original Offense: Larceny, Theft

Original Sentence: 36 month(s) probation

Type of Supervision: Probation

Date Supervision Commenced: March 11, 2002

PETITIONING THE COURT

- [X] To extend the term of supervision for 2 years, for a total term of 5 years.
[X] To modify the conditions of supervision as follows: You shall reside in and participate in a program of the Community Corrections Center until discharged by the Probation Officer and Center Director, but no longer than 120 days from admission.

CAUSE

On 3-17-04 the defendant was arrested on 13 Counts of Illegal Processing of Drug Documents and 1 Count of Theft, in Hamilton County, Ohio, as previously reported to the Court. After pleading guilty to 4 counts of Illegal Processing Drug Documents, the defendant was sentenced on 12-10-04, to 3 years probation and as an element of the sentence, the defendant is confined to home arrest with electronic monitoring for a period of 4 months.

His supervision is scheduled to expire on 3-10-04, however he still owes \$6,575.00 of the \$7,700.00 restitution which was ordered. To date he has only paid \$1,125.00 toward his restitution, and he has not made any payments in a year. Mr. Payne was fired in March 2004 and was living on his unemployment benefits until they expired in August of 2004.

This officer is requesting that the defendant's probation be extended for 2 years, and that the defendant's conditions of supervision be modified to allow the defendant to participate in a program of the Community Corrections Center until discharge by

the Probation Officer and Center Director, but no longer than 120 days from admission. This officer and Mr Payne discussed this case with the Assistant Public Defender, Kelly Johnson. He had no objection to the extension or the modification.

Mr. Payne has executed a Waiver of Hearing to Extend Supervision form and a Waiver of Hearing to Modify The Conditions of Supervision form. Both forms are attached.

Respectfully submitted,

by

Lorraine Cooper
U. S. Probation Officer
Date: December 14, 2004

Approved,

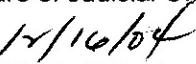
by

John C. Cole
Supervising U. S. Probation Officer
Date: 12-15-04

THE COURT ORDERS:

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other


Signature of Judicial Officer


Date

PROB 49

**UNITED STATES DISTRICT COURT
Southern District of Ohio**

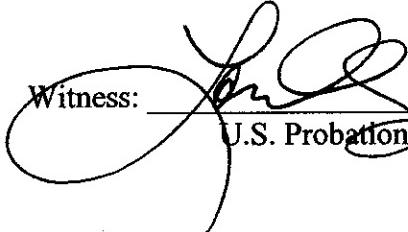
**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

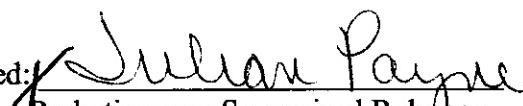
I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To extend the term of supervision for 2 years, for a total term of 5 years.

Witness:


U.S. Probation Officer

Signed:


Probationer or Supervised Releasee

December 14, 2004

DATE

PROB 49

**UNITED STATES DISTRICT COURT
Southern District of Ohio**

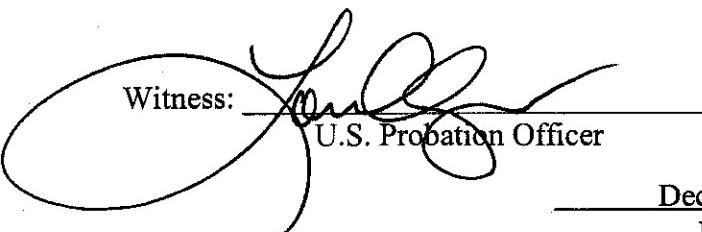
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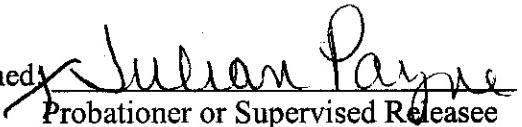
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You shall reside in and participate in a program of the Community Corrections Center until discharged by the Probation Officer and Center Director, but no longer than 120 days from admission.

Witness:


U.S. Probation Officer

Signed:


Julian Payne

Probationer or Supervised Releasee

December 14, 2004

DATE